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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,109	06/15/2005	Koji Yoshino	38340	9045
52054	7590	07/25/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			VAN, QUANG T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/539,109	Applicant(s) YOSHINO ET AL.	
	Examiner Quang T. Van	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/15/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "stirring means", recited in claim 10, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it contains more than one paragraph and more than 150 words. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because in specification contains "claim 1", "claim 2", "claim 3" ... through out the specification, for example: "claim 1" recited in page 4, lines 7, "claim 2" recited in page 4, line 23...These terms should be remove from the specification because claims are subjected to change and cancel during prosecution of the application. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura et al (JP54048348A) cited by applicant. Yoshimura discloses a high frequency heating apparatus comprising a magnetron (1, figure 3) to a heating chamber (3) via a waveguide (8), wherein an electricity feeding port (6) for radiating the microwave is provided at a ceiling wall (7) of the heating chamber (3), and the wave guide is formed in an L-like shape including a side waveguide extended upwardly along an outer side face of the heating chamber (3) and an upper waveguide extended from an upper end of the side wave guide to the electricity feeding port along an outer face of the ceiling wall.

7. Claims 1, 3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Constable (US 3,716,687). Constable discloses a method and apparatus for cooking comprising a magnetron (col. 5, line 2) to a heating chamber (10) via a waveguide (42), wherein an electricity feeding port (col. 5, lines 7-9) for radiating the microwave is provided at a ceiling wall (16) of the heating chamber (10), and the wave guide is formed in an L-like shape (figure 1) including a side waveguide extended upwardly along an outer side face of the heating chamber (10) and an upper waveguide extended from an upper end of the side wave guide to the electricity feeding port along an outer face of the ceiling wall (16).

8. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by You (US 5,880,442). You discloses a microwave oven with structure for guiding electromagnetic wave comprising a magnetron (10, figure 1) to a heating chamber (60) via a waveguide (20), wherein an electricity feeding port (30) for radiating the microwave is provided at a ceiling wall of the heating chamber (60), and the wave guide (20) is formed in an L-like shape including a side waveguide extended upwardly along an outer side face of the heating chamber (60) and an upper waveguide extended from an upper end of the side wave guide to the electricity feeding port along an outer face of the ceiling wall.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (JP54048348A), in view of JP 62100982A both cited by applicant. Yoshimura discloses substantially all features of the claimed invention except an antenna of the magnetron is arranged to be directed to a side of the heating chamber and to be opposed to the side wall and the side wall is formed with a bulged portion bulged to an inner side of the chamber. JP 62100982A discloses an antenna (9) of the magnetron (8) is arranged to be directed to a side of the heating chamber and to be opposed to the side wall and the side wall is formed with a bulged portion (7) bulged to an inner side of the chamber (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yoshimura an antenna of the magnetron is arranged to be directed to a side of the heating chamber and to be opposed to the side wall and the side wall is formed with a bulged portion bulged to an inner side of the chamber as taught by JP 62100982A in order to prevent interference with antenna.

11. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (JP54048348A), in view of JP 63174296A both cited by applicant. Yoshimura discloses substantially all features of the claimed invention except the electricity feeding port is formed in a rectangular shape slender in a width direction of the heating chamber. JP 63174296A discloses an electricity feeding port is formed in a rectangular shape slender in a width direction of the heating chamber (figures 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention

was made to utilize in Yoshimura an electricity feeding port is formed in a rectangular shape slender in a width direction of the heating chamber as taught by JP 63174296A in order to delivery microwave waves to the heating cavity.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (JP54048348A), in view of JP 63174296A and further in view of Noda et al (JP05074568A) all cited by applicant. Yoshimura/ JP 63174296A disclose substantially all features of the claimed invention except the heating member is arranged to be inclined to the line equally dividing the ceiling wall into two in the front and rear direction. Noda discloses a heating member (3) is arranged to be inclined to the line equally dividing the ceiling wall into two in the front and rear direction (figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yoshimura/ JP 63174296A a heating member is arranged to be inclined to the line equally dividing the ceiling wall into two in the front and rear direction as taught by Noda in order to disperse heat evenly in the microwave oven.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al (JP54048348A), in view of Gerling et al (US 4,714,811). Yoshimura discloses substantially all features of the claimed invention except stirring means is mounted to a wall face of the heating chamber. Gerling discloses stirring means (17) is mounted to a wall face of the heating chamber (figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in

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Yoshimura stirring means is mounted to a wall face of the heating chamber as taught by Gerling in order to disperse the microwave waves evenly into the heating chamber.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QV

QV

July 19, 2006

Quang T Van

Quang T Van

Primary Examiner

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